



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

May 19, 2017

Certified Mail
7012 3460 0003 1113 0628

Cindy Gustafson, General Manager
Tahoe City PUD – Alpine Peaks
P.O. Box 5249
Tahoe City, CA 96145

TRANSMITTAL OF CITATION NO. 01-02-17C-009

Dear Ms. Gustafson:

The State Water Resources Control Board (Board) Division of Drinking Water has issued the Tahoe City Public Utilities District – Alpine Peaks water system a citation, which is attached.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code Section 116625) or Article 9 (commencing with Health and Safety Code Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Board for reconsideration of the order or decision. The enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code Section 116701)

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

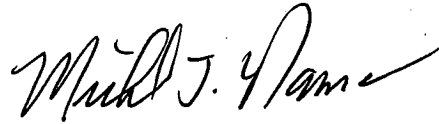
FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Michael Burgess at (530) 224-6506 or me at (530) 224-4800.

A handwritten signature in black ink, appearing to read "Michael J. McNamara", with a stylized flourish at the end.

Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

cc: Richard L. Hinrichs, Chief, DDW-Northern California Section
Placer County Department of Environmental Health

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Tahoe City PUD – Alpine Peaks
P.O. Box 5249
Tahoe City, CA 96145

Attn: Cindy Gustafson, General Manager

CITATION FOR VIOLATION OF
CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64426.1

WATER SYSTEM NO. 3110044
CITATION NO. 01-02-17C-009

Issued on May 19, 2017

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"); hereby issues a citation to Tahoe City Public Utilities District –

1 Alpine Peaks (hereinafter, District) (P.O. Box 5249, Tahoe City, CA 96145) for violation of
2 Title 22, Section 64426.1 of the California Code of Regulations (CCR).

3
4 **APPLICABLE AUTHORITIES**

5
6 **Section 116650 of California Health and Safety Code provides:**

- 7 (a) If the department determines that a public water system is in violation of this chapter or
8 any regulation, permit, standard, citation, or order issued or adopted thereunder, the
9 department may issue a citation to the public water system. The citation shall be served
10 upon the public water system personally or by certified mail. Service shall be deemed
11 effective as of the date of personal service or the date of receipt of the certified mail. If a
12 person to whom a citation is directed refuses to accept delivery of the certified mail, the
13 date of service shall be deemed to be the date of mailing.
- 14 (b) Each citation shall be in writing and shall describe the nature of the violation or
15 violations, including a reference to the statutory provision, standard, order, citation,
16 permit, or regulation alleged to have been violated.
- 17 (c) A citation may specify a date for elimination or correction of the condition constituting the
18 violation.
- 19 (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- 20 (e) The department may assess a penalty in an amount not to exceed one thousand dollars
21 (\$1,000) per day for each day that a violation occurred, and for each day that a violation
22 continues to occur. A separate penalty may be assessed for each violation.
- 23

Section 116701 of the California Health and Safety Code provides:

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.



- 1 (f) If an order of the deputy director is subject to reconsideration under this section, the
2 filing of a petition for reconsideration is an administrative remedy that must be
3 exhausted before filing a petition for writ of mandate under Section 116625 or 116700.
4

5 **Title 22, Section 64426 of the California Code of Regulations states:**

- 6 (a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

7 (1) A system collecting at least 40 samples per month has a total coliform-positive
8 routine sample followed by two total coliform-positive repeat samples in the repeat sample
9 set;

10 (2) A system has a sample which is positive for fecal coliform or *E. coli*; or

11 (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in
12 Section 64426.1.

- 13 (b) When the coliform levels specified in subsection (a) are reached or exceeded, the
14 water supplier shall:

15 (1) Contact the State Board by the end of the day on which the system is notified of
16 the test result or the system determines that it has exceeded the MCL, unless the notification
17 or determination occurs after the State Board office is closed, in which case the supplier shall
18 notify the State Board within 24 hours; and

19 (2) Submit to the State Board information on the current status of physical works and
20 operating procedures which may have caused the elevated bacteriological findings, or any
21 information on community illness suspected of being waterborne. This shall include, but not
22 be limited to:

23 (A) Current operating procedures that are or could potentially be related to the
24 increase in bacterial count;

25 (B) Any interruptions in the treatment process;



- 1 (C) System pressure loss to less than 5 psi;
2 (D) Vandalism and/or unauthorized access to facilities;
3 (E) Physical evidence indicating bacteriological contamination of facilities;
4 (F) Analytical results of any additional samples collected, including source
5 samples;
6 (G) Community illness suspected of being waterborne; and
7 (H) Records of the investigation and any action taken.
8 (c) Upon receiving notification from the State Board of a significant rise in bacterial count,
9 the water supplier shall implement the emergency notification plan required by Section
10 116460, Health and Safety Code.

11
12 **Title 22, Section 64426.1 of the California Code of Regulations provides in relevant part:**

- 13 (b) A public water system is in violation of the total coliform MCL [maximum
14 contaminant level] when any of the following occurs:
15 (1) For a public water system which collects at least 40 samples per month,
16 more than 5.0 percent of the samples collected during any month are total
17 coliform-positive; or
18 (2) For a public water system which collects fewer than 40 samples per month,
19 more than one sample collected during any month is total coliform-positive;
20 or
21 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
22 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive
23 routine sample is total coliform-positive.
24

STATEMENT OF FACTS

The Tahoe City PUD – Alpine Peaks water system is classified as a community water system. The District serves 96 active service connections on the mountains west of Lake Tahoe, south of Tahoe City. The water system is currently served by a single active spring source, the Riley Spring. The District does not provide any treatment of the water supplied to its customers.

On April 4, 2017, the District collected a routine bacteriological sample from the distribution system, for analysis at Western Environmental Testing (WET) Laboratory. On April 5, 2017, the lab notified the District and the District notified the Division that the routine sample had tested positive for total coliform bacteria but absent for E. coli. The District collected five repeat samples, including one sample from the spring source, on April 6, 2017, for analysis at WET Lab. Five split samples were collected and taken to the Tahoe Truckee Sanitation Agency (TTSA) Lab.

Of the five repeat samples collected on April 6, 2017, and delivered to WET Lab, the sample collected from the routine site and the sample collected from the downstream repeat sample site tested positive for total coliform bacteria. The source water sample, the sample collected from the routine site in the Upper Pressure Zone, and the upstream repeat sample site all tested absent for total coliform bacteria. All five samples tested absent for E. coli, and the District reported the results to the Division on April 7, 2017. All five samples delivered to TTSA Lab, including the sample collected from the Upper Zone routine site, tested absent for total coliform and E. coli bacteria. The District reported chlorinating the District's storage tank to a 1.5 milligram per liter measured free chlorine residual using sodium hypochlorite and flushing the chlorinated water into the distribution system. Another set of five samples were collected on

1 April 11, 2017, and all five samples tested absent for total coliform and E. coli bacteria. On April
2 20, 2017, the District collected two samples from the two routine sites, and they both tested
3 absent for total coliform and E. coli bacteria.

4
5 In accordance with Title 22, Section 64426(b)(2) of the CCR, on April 10, 2017, the Division
6 directed the District by email to conduct an assessment of the water system for potential causes
7 of the total coliform positive samples. On May 4, 2017, the Division received a copy of the
8 District's "Positive Total Coliform Investigation Form." The District was unable to determine a
9 probable cause of the total coliform positive samples.

10
11 On May 4, 2017, the District provided the Division with a copy of the notification of the Total
12 Coliform Rule violation that they provided to each of their customers by mail on April 21, 2017.
13 The District's notification met all regulatory requirements.

14 15 **DETERMINATIONS**

16
17 The Division has determined that the District violated Title 22, Section 64426.1(b)(2) of the
18 California Code of Regulations during April 2017. Specifically, the District exceeded the total
19 coliform maximum contaminant level during the month of April 2017.

DIRECTIVES

The District is hereby directed to take the following actions:

1. Comply with Title 22, Section 64426.1 of the California Code of Regulations during all future monthly monitoring periods.
2. Complete and return Attachment 'A' entitled "Certification of Completion of Public Notification" by no later than **June 2, 2017**.

Unless otherwise noted, all documents required under this Citation shall be submitted to the Board at the following address:

Michael J. McNamara, P. E.
Lassen District Engineer
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002

As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, personal or by certified mail, on the water system.

1 Nothing in this Citation relieves the District of its obligation to meet the requirements of the
2 California SDWA or any regulation, permit, standard or order issued or adopted thereunder.
3 The Division reserves the right to make such modifications to this Citation, as it may deem
4 necessary to protect public health and safety. Such modifications may be issued as
5 amendments to this Citation and shall be effective upon issuance.

6
7 **FURTHER ENFORCEMENT ACTION**
8

9 The California SDWA authorizes the Board to: issue a citation with assessment of administrative
10 penalties to a public water system for violation or continued violation of the requirements of the
11 California SDWA or any regulation, permit, standard, citation, or order issued or adopted
12 thereunder including, but not limited to, failure to correct a violation identified in a citation or
13 compliance order. The California SDWA also authorizes the Board to take action to suspend or
14 revoke a permit that has been issued to a public water system if the system has violated
15 applicable law or regulations or has failed to comply with an order of the Board; and to petition
16 the superior court to take various enforcement measures against a public water system that has
17 failed to comply with or violates an order of the Board. The Board does not waive any further
18 enforcement action by issuance of this citation.

19
20 **PARTIES BOUND**
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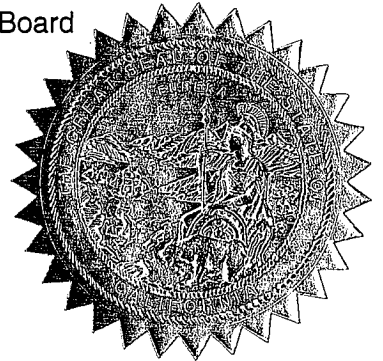
22 This Citation shall apply to and be binding upon the District, its officers, directors, shareholders,
23 agents, employees, contractors, successors, and assignees.
24

SEVERABILITY

The Directives of this Citation are severable, and the District shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

5-19-2017
Date

Michael J. McNamara
Michael J. McNamara, P.E.
Lassen District Engineer
Division of Drinking Water
State Water Resources Control Board



Attachment:

'A' Certification of Completion of Public Notification

CERTIFIED MAIL 7012 3460 0003 1113 0628

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Public Water System Name Tahoe City PUD – Alpine Peaks

Date _____